

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 1-22 in the reply filed on August 28, 2008 is acknowledged.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: Claims 23-28 are cancelled as being drawn to an invention not elected without traverse.

3. The following is an examiner's statement of reasons for allowance:
4. The prior art fails to teach or fairly suggest a method and apparatus for causing controlled cellular death for providing at least one optical pulse having an optical field power smaller than the ionization threshold of the cells while generating conditions for locally increasing said optical field power per unit area beyond the ionization threshold of the cells, thereby destroying the cells via ionization. In the cases of claims 7 and 18, this is articulated by the providing of the particles which locally increase the optical field power per unit area. In the case of claim 12, the above is slightly altered to recite a mechanism for locally increasing optical field power. In claims 1, 7, 12, and 18, however, it is the provision of the optical pulse below ionization threshold, and the

additional supply of means to locally increase the optical power per unit area above ionization threshold which distinguishes the invention.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Vanore whose telephone number is (571) 272-2483. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2881

/David A Vanore/

Primary Examiner, Art Unit 2881

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